

MEMORANDUM

May 13, 1971

12

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: TEXT AMENDMENT APPLICATION NO. 21 - DRIVE-IN EATING PLACES

Considerable concern has been expressed by neighborhood groups in Jamaica Plain and Allston-Brighton, regarding the proliferation of quick-service food businesses, such as MacDonalds, Jack-in-the-Box and Howdy Burger. These are usually combination restaurants and take-out services with large parking lots provided for people who eat in their cars. In terms of noise, traffic, litter potential, and gaudy signs and lighting, it is desirable that permits for these establishments be subject to Board of Appeal review, as conditional uses.

While these establishments are essentially drive-in restaurants, the Code's definition does not include them in such category, which is a conditional use in business districts. To rectify this, the attached amendment redefines Use Item 37 (restaurants) to exclude establishments where food is consumed in motor vehicles, and Use Item 50 (drive-in restaurants) to include such establishments. The amendment further makes Use Item 50 conditional, rather than allowed, in light manufacturing districts, because of the many instances where "M" districts abut residential districts. Changes to the text are underlined.

The staff recommends approval, with the addition of the words "on the premises" following the words "motor vehicles," in Use Item 50.

VOTED: That in connection with Text Amendment Application No. 21, brought by Mr. & Mrs. Louis Guinta of Jamaica Plain and Joseph Smith of Allston, regarding amendments to Use Items 37 and 50, in Table A of Section 8-7, the Boston Redevelopment Authority recommends approval, with the addition of the words "on the premises" following the words "motor vehicles" in Use Item No. 50.

Boston, April 23, 1971

TO THE ZONING COMMISSION OF THE CITY OF BOSTON

Acting under Chapter 665 of the Acts of 1956, as amended,
the undersigned, as owners of property at 10 Lockstead Ave.,
Jamaica Plain and 70 Athol St., Allston

hereby petition that Table A in Section 8-7 of the Boston
Zoning Code be amended as follows:-

1. By striking out Use Item No. 37 respecting a lunch
room, restaurant, cafeteria or place for the sale and consumption
of beverages, ice cream and the like, and inserting in the place
thereof the following use item:-

37 Lunch room, restaurant, cafeteria or place for
the sale and consumption of beverages, ice cream
and the like, primarily in enclosed structure.....FFF/A*A*/A*A+C*

* Provided that there is no dancing nor
entertainment other than phonograph, radio
and television; and that neither food nor
drink is served to, or consumed by, persons
while seated in motor vehicles on the premises.

2. By striking out Use Item No. 50, respecting a drive-in
restaurant; outdoor sale or display for sale of garden supplies,
agricultural produce, flowers and the like, and inserting in
the place thereof the following use item:-

50 Drive-in restaurant or cafeteria or place for the sale
of food and beverages for consumption by persons while
seated in motor vehicles; outdoor sale or display for
sale of garden supplies, agricultural produce, flowers
and the like.....FFF/CC/CAC

Jean Quinta
NAME *Jean Quinta*

ADDRESS *10 Lockstead Ave. Jamaica Plain, Mass*

NAME *Jack M. Smith*

ADDRESS *70 ATHOL ST. ALLSTON MASS. 02134*

MEMORANDUM

May 13, 1971

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: Robert T. Kenney, Director

SUBJECT: AUTHORIZATION TO PETITION THE ZONING COMMISSION
TO CHANGE AN AREA OF LAND IN THE SOUTH END URBAN
RENEWAL AREA FROM A B-2 TO A B-4 DISTRICT.

Section 901 of the South End Urban Renewal Plan proposed that the shaded area on the attached map was to be changed from a B-2 to a B-4 district. Such map change will support the Franklin Institute in the filing of its application for financial assistance to construct dormitories and new classrooms, in accordance with our cooperation agreement. The change will also bring the FAR for the area into conformity with existing buildings, particularly the old flower market building, which has become the new home of the Boston Center for the Arts.

It is therefore requested that the Director be authorized to petition the Zoning Commission for a map amendment to change this area from a B-2 (general business, with a floor area ratio of 2.0) to a B-4 (general business, with a floor area ratio of 4.0) district.

VOTED: That the Director is hereby authorized to petition the Zoning Commission for a map amendment to change from a B-2 to a B-4 district an area of land bounded:

Northwesterly by Chandler Street;
Northerly by the Massachusetts Turnpike;
Southeasterly by a line parallel to and 140
feet southeast of the southeasterly side
of Tremont Street;
Southwesterly by East Berkeley Street;
Southeasterly by Tremont Street;
Southwesterly by a line parallel to and
approximately 145 feet northeast of
the northeasterly side of Clarendon
Street;
Northwesterly by Warren Avenue; and
Southwesterly by Berkeley Street.



BERKELEY
WANDLER

H-2
to
H-3
PLETON

B-2
to
B-4

H-2
to
B-4

WARREN

H-2
to
H-3

B-2
to
B-3

Dover Street

TREMONT

H-2
to
H-3

B-2
to
H-3

STREET

SOUTH END
URBAN RENEWAL
AREA R-56
ZONING CHANGE
SCALE

0 200 400

AREA INVOLVED

May 13, 1971

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: Robert T. Kenney, Director

SUBJECT: MAP AMENDMENT APPLICATION NO. 123 - COLUMBIA ROAD AND
TELEGRAPH HILL, SOUTH BOSTON

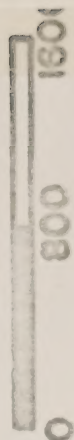
A petition has been filed with the Zoning Commission by Henry H. Johnson of South Boston, in behalf of a number of South Boston residents, to rezone the area shown on the attached map from an H-2 district (apartments, with a floor area ratio of 2.0) to an H-1-50 district (apartments with a floor area ratio of 1.0, and maximum height of 50 feet). The objective is to limit development in this district to a scale and density more compatible with the abutting H-1 and R-.8 districts, and to prevent the construction of tall buildings which would usurp views of the Old Harbor from Telegraph Hill and environs.

The staff agrees that an H-1 district would be more compatible than the existing H-2 zoning. However, as to the height limitation of 50 feet, it is felt that this can be handled more flexibly on an individual case basis by requiring Board of Appeal review and approval after a public hearing for any building in excess of 50 feet in an H-1 district. This will permit the Authority to make recommendations based on design review and planning considerations, and would allow abutters to express their concerns.

VOTED: That in regard to Map Amendment Application No. 123, brought by Henry H. Johnson of 43 Thomas Park, to change from an H-2 to an H-1-50 district the tract of land in South Boston, shown on the attached map, the Boston Redevelopment Authority recommends

1. That said tract be changed from an H-2 to an H-1 district; and
2. That an amendment be prepared to the text of the Boston Zoning Code for the Zoning Commission consideration, which would require Board of Appeal review and approval, after a public hearing, of any building height in excess of 50 feet in an H-1 district.

PLAN OF LAND SOUTH BOSTON LEGEND



- AREA INVOLVED
- AREA NOTIFIED
- ZONE BOUNDARY



May 13, 1971

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: BOARD OF APPEAL REFERRALS

TABLED ITEM

Petition No. Z-2142
American Oil Company
240 Old Colony Avenue, South Boston

Petitioner seeks a conditional use permit and three variances to erect a gas station facility in a local business (L-1) and a light manufacturing (M-1) district. The proposal would violate the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A gas service station is conditional in an L-1 district.		
Section 18-1. Front yard is insufficient. (Old Colony Avenue)	10 feet	0
Section 18-4. Front yard is insufficient. (Mitchell Street)	10 feet	0
Section 20-1. Rear yard is insufficient.	20 feet	2 feet

The property, located on Old Colony Avenue at the intersection of Dorchester Street, contains a one story gas service station. The petitioner proposes to demolish the existing service station structure and two abutting frame dwellings (one of which is occupied), incorporate the three separate lots and construct a modern service station which would include a Mass. Inspection Bay. The staff recommends the following provisos: That the dwelling at 38 Mitchell Street, which is presently occupied, be excluded from the proposal; that a continuous six foot high screen fence or brick wall be constructed along the rear lot line abutting residential properties; that signs be directed away from residential properties; that sign design plans be submitted to the Authority for Design Review approval; that lighting be low level and directed away from residential properties; that no billboards be allowed. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2142, brought by American Oil Company, 240 Old Colony Avenue, South Boston, for a conditional use permit and three variances to erect a gas service station facility in a local business (L-1) and a light manufacturing (M-1) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the dwelling at 38 Mitchell Street which is presently occupied, be excluded from the proposal; that a continuous six foot high screen fence or brick wall be constructed along the rear lot line abutting residential properties; that signs be directed away from residential

Board of Appeal Referral

Z-2142
(Cont'd)

properties; that sign design plans be submitted to the Authority for Design Review approval; that lighting be low level and directed away from residential properties; that no billboards be allowed.

Petition No. Z-2148
Henry U. Harris, et al, Trustees
Edwin S. Webster
306 Dartmouth Street, Boston

Petitioner seeks a conditional use permit, two forbidden use permits and a variance for a change of occupancy from a one family dwelling to offices, cafeteria and lodging in an apartment (H-5-70) district. The proposal would violate the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A lodging house is conditional in an H-5 district.		
Section 8-7. A cafeteria is forbidden in an H-5 district.		
Section 8-7. An office building is forbidden in an H-5 district.		
Section 23-7. Off street parking is insufficient.	12 spaces	6 spaces

The property, located on Dartmouth Street at the northwesterly corner of Commonwealth Avenue opposite the Hotel Vendome, contains a three story brick structure. The petitioner would, with minor renovation to the interior of the building, render it suitable for investment trust, counselling and management offices, including related service and data processing functions. Accessory facilities would provide living quarters for the owner and a caretaker. There would be no exterior changes. The proposed professional office facility would be consistent with adjacent commercial and institutional uses. The architectural integrity of the structure would be preserved. The staff recommends that the abutting parking lot on Commonwealth Avenue, owned by the petitioner, be utilized to provide additional required off street parking. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-2148, brought by Henry U. Harris et al, trustees, for a conditional use permit, two forbidden use permits and a variance for a change of occupancy from a one family dwelling to offices, cafeteria and lodging in an apartment (H-5-70) district, the Boston Redevelopment Authority recommends approval with the proviso that the abutting parking lot on Commonwealth Avenue, owned by the petitioner, be utilized to provide additional required off street parking. The proposed professional office facility would be consistent with adjacent commercial and institutional uses. There would be no exterior changes and the architectural integrity of the structure would be preserved.



Z-2148
306 DARTMOUTH ST.
(B.P)

Petition No. Z-2150
Richard M. & Andrew V. Kelleher
50 Vineland Street, Brighton

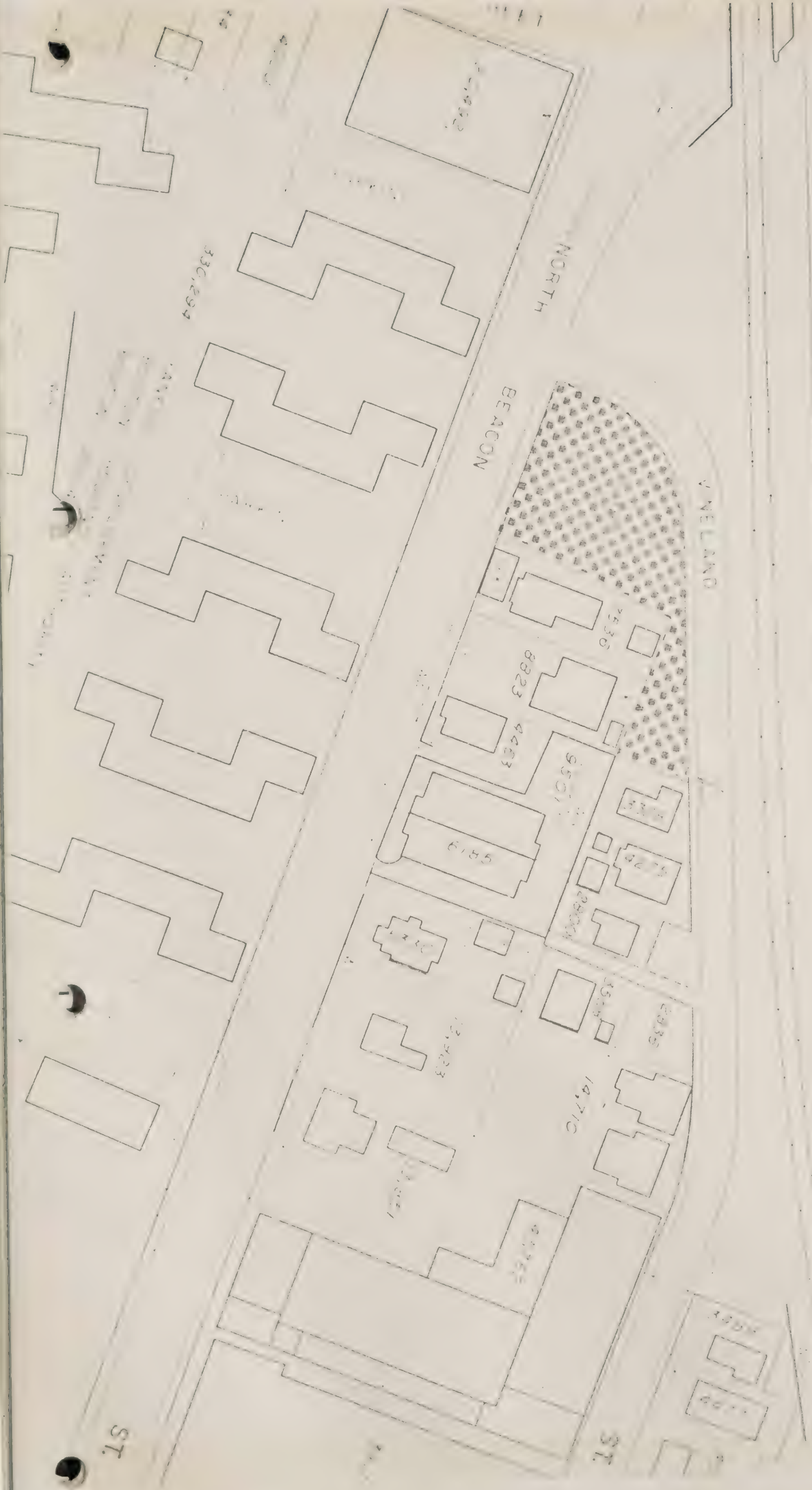
Petitioner seeks a conditional use permit and seven variances to erect a four story 28 unit apartment dwelling in a light manufacturing (M-1) district. The proposal would violate the code as follow :

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A multi-family dwelling is conditional in an M-1 district.		
Section 15-1. Floor area ratio is excessive.	1.0	1.5
Section 16-1. Building height is excessive.	2½ stories	4 stories
Section 18-1. Front yard is insufficient (Vineland Street).	20 feet	5 feet
Section 18-3. Corner traffic visibility not provided.		
Section 18-4. Front yard is insufficient (No. Beacon Street).	20 feet	5 feet
Section 20-1. Rear yard is insufficient.	20 feet	5 feet
Section 23-1. Off street parking is insufficient.	26 spaces	20 spaces

The property, located on Vineland Street at the intersection of North Beacon Street, contains 18,501 square feet of vacant land. The numerous violations indicate the excessive density of the proposal. Corner traffic vision would be obscured. The off street parking as shown on the submitted plan is inadequate and would have an adverse affect on the abutting residential properties. The staff, however, would have no objection to a lower density. The petitioner should submit amended plans indicating new site location and off street parking to the Authority for Design Review approval. Recommend denial as submitted.

VOTED: That in connection with petition No. Z-2150, brought by Richard M. & Andrew V. Kelleher, 50 Vineland Street, Brighton, for a conditional use permit and seven variances to erect a four story 28 unit apartment dwelling in a light manufacturing (M-1) district, the Boston Redevelopment Authority recommends denial as submitted. The numerous violations indicate the excessive density of the proposal. Corner traffic vision would be obscured. The off street parking as shown on the submitted plan would be inadequate and have an adverse affect on abutting residential properties. However, the Authority would have no objection to a lower density. The petitioner should submit amended plans indicating new site location and parking to the Authority for Design Review approval.

Z-2150
50 VINELAND ST.
(BRIGHTON)



Board of Appeal Referrals 5/13/71

Petition No. Z-2154
Stanley W. Blinstrub, Trustee
Atlantic Richfield Company
306 West Broadway, South Boston

Petitioner seeks a conditional use permit to erect a one story gas service station in a general business (B-1) district. The proposal would violate the code as follows:

Section 8-7. A gas service station is conditional in a B-1 district.

The property, located on West Broadway at the intersection of D Street and opposite the D Street Public Housing Project, contains 19,074 square feet of vacant land. There has been little new construction or reconstruction along this business street for the past 1-2 years. It is felt that the proposed gas service facility may help to improve business activity. Recommend approval.

VOTED: That in connection with Petition No. Z-2154, brought by Stanley W. Blinstrub, Trustee, 306 West Broadway, South Boston, for a conditional use permit to erect a one story gas service station in a general business (B-1) district, the Boston Redevelopment Authority recommends approval. The proposed gas service station facility would help improve business activity.



3086

19,927

27,664

36,196

STREET

1000 N 1500

170 1100

170 1090

170 1080

170 1070

170 1060

170 1050

170 1040

170 1030

170 1020

3084

18,186

3085

28,140

3086

28,140

3087

28,140

3088

28,140

3089

28,140

3090

28,140

3091

28,140

3092

28,140

3052

5040

3053

5040

3054

5040

3055

5040

3056

5040

3057

5040

3058

5040

3059

5040

3060

5040

ATHENS

10,209

3061

5040

3062

5040

3063

5040

3064

5040

3065

5040

3066

5040

3067

5040

3068

5040

Z-2154
306 WEST BROADWAY
(S.B.)

Petition No. Z-2156
Samuel M. Gertman Co., Inc.
40 Newmarket Square, Roxbury

Petitioner seeks a variance to erect a two story addition to a meat packing plant in an industrial (I-2) district. The proposal would violate the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 20-1. Rear yard is not provided.	12 feet	0

The property, located on Newmarket Square, near the intersection of Southampton Street, contains a one story meat packing plant. The immediate area is occupied primarily by the meat packing industry. The proposed two story addition would be utilized for freezers, offices, storage and employee facilities. A railroad right-of-way abuts the rear of the property. Adequate off street parking and loading facilities would be provided. Recommend approval.

VOTED: That in connection with Petition No. Z-2156, brought by Samuel M. Gertman Co., Inc., 40 Newmarket Square, Roxbury, for a variance to erect a two story addition to a meat packing plant in an industrial (I-2) district, the Boston Redevelopment Authority recommends approval. The rear yard deficiency would not have a significant affect on adjacent properties. Adequate off street parking and loading facilities would be provided.

Z-2156

40NEWMARKET SQ
(ROX.)



Petition Nos. Z-2157-2158
Thomas Geraghty
140 & 144 Hebron Street, Mattapan

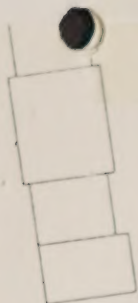
Petitioner seeks two forbidden use permits and twelve variances to erect a 32 unit apartment dwelling and a 40 unit apartment dwelling in a single family (S-.5) district. The proposal would violate the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
<u>140 Hebron Street</u>		
Section 8-7.	A multi-family dwelling is forbidden in an S-.5 district.	
Section 10-1.	Parking not allowed in front yard nor within five feet of side lot line.	
Section 14-2.	Lot area for additional dwelling unit is insufficient. 4000 sf/du	928 sf/du
Section 15-1.	Floor area ratio is excessive. 0.5	0.9
Section 16-1.	Height of building is excessive. 2½ stories	3 stories
Section 18-4.	Front yard is insufficient. 30 feet	5 feet
Section 19-1.	Side yard is not provided. 12 feet	0
<u>144 Hebron Street</u>		
Section 8-7.	A multi-family dwelling is forbidden in an S-.5 district.	
Section 10-1.	Parking not allowed in front yard nor within five feet of side lot line.	
Section 14-2.	Lot area for additional dwelling unit is insufficient. 4000 sf/du	928 sf/du
Section 15-1.	Floor area ratio is excessive. 0.5	0.9
Section 16-1.	Height of building is excessive. 2½ stories	3 stories
Section 18-1.	Front yard is insufficient. 30 feet	20 feet
Section 19-1.	Side yard is not provided. 12 feet	0

The property, located on Hebron Street between Livermore and Kennebec Streets, near the intersection of Cummins Highway, contains approximately 1.6 acres of vacant land. The excessive floor area ratio and lack of lot area and open space represent severe overcrowding of the land. The proposed apartment dwellings are inappropriate, undesirable and do not meet the conditions required for approval under Section 7-3 of the Code. Recommend denial.

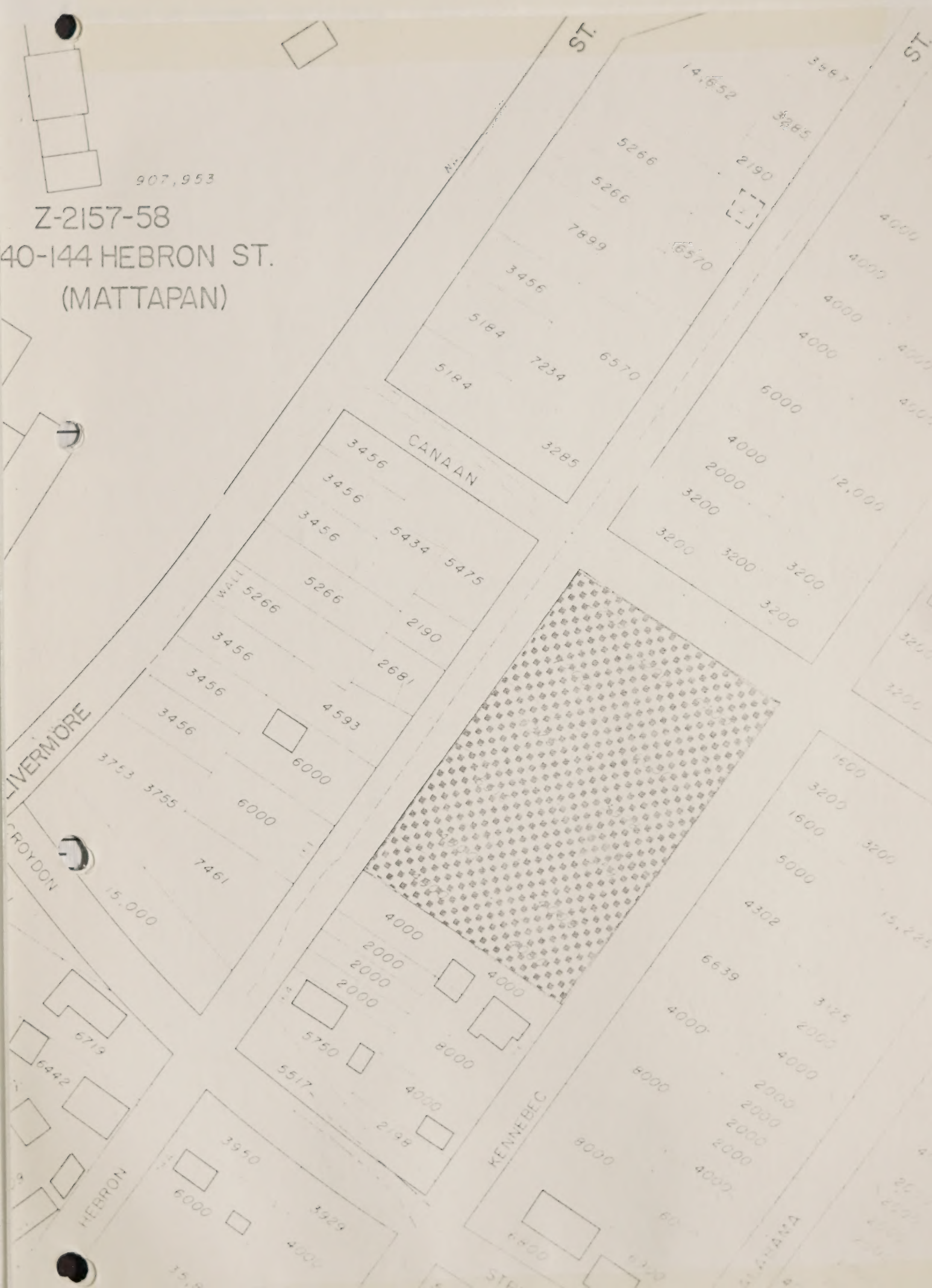
Petition Nos. Z-2157-2158

VOTED: That in connection with Petitions Nos. Z-2157-2158, brought by Thomas Geraghty, 140 & 144 Hebron Street, Mattapan, for two forbidden use permits and twelve variances to erect a 32 unit apartment dwelling and a 40 unit apartment dwelling in a single family (S-.5) district, the Boston Redevelopment Authority recommends denial. The excessive floor area ratio and lack of lot area and open space represent severe overcrowding of the land. The proposed apartment dwellings are inappropriate, undesirable and do not meet the conditions required for approval under Section 7-3 of the Code.



907,953

Z-2157-58
40-144 HEBRON ST.
(MATTAPAN)



Petition No. Z-2159
William P. Kelly
65 Robert Street, Roslindale

Petitioner seeks a forbidden use permit and five variances for a change of occupancy from a two family dwelling to a three family dwelling in a residential (R-.5) district. The proposal would violate the code as follows:

		<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A dwelling converted for more families and not meeting the requirements of lot area is forbidden in an R-.5 district.		
Section 14-1.	Lot area is insufficient.	2 acres	5475 sf
Section 14-3.	Lot width is insufficient.	200 feet	51 feet
Section 14-4.	Street frontage is insufficient.	200 feet	51 feet
Section 16-1.	Height of building is excessive.	2 stories	2½ stories
Section 18-1.	Front yard is insufficient.	25 feet	20 feet

The property, located on Robert Street between Walter and Brookfield Streets, contains a 2½ story frame dwelling. The petitioner proposes to subdivide the first floor into two apartments. There would be no exterior changes. The dimensional violations are existing. The proposal would be consistent with other properties in the neighborhood. Recommend approval.

VOTED: That in connection with Petition No. Z-2159, brought by William P. Kelly, 65 Robert Street, Roslindale, for a forbidden use permit and five variances for a change of occupancy from a two family dwelling to a three family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. The dimensional violations are existing. The proposal would be consistent with other properties in the neighborhood.

Z-2159
65 ROBERT ST.
(ROSLINDALE)

FALLON FIELD



